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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,932	08/28/2006	Thomas Arndt	294710US0PCT	3776

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NUTTER, NATHAN M

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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09/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/590,932	Applicant(s) ARNDT ET AL.	
	Examiner Nathan M. Nutter	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) 30-34 and 36-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-29 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08-28-06, 02-21-07, 02-21-08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I, claims 20-27 and 35 in the reply filed on 4 June 2009 is acknowledged. The traversal is on the ground(s) that "the Examiner has not carried the burden of providing any reasons and/or example to support any conclusions that the claims of the restricted groups are patentably distinct, or providing any reasons and/or example to support any conclusions that the groups lack unity of invention." This is not found persuasive because the inventions of Groups I, II and III are drawn to a single inventive concept, being a product, a process of making this product and a process of using this product. As such, Groups II and III will be examined with the elected Group I claims. The inventions of Groups IV, V and VI are drawn to a separate inventive concept, being a composite product, as in a layered laminate, wherein the composition of Group I loses its identity in the manufacture of the Group IV product. Inventions of Group I and of Group IV are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product, and the species are patentably distinct (MPEP § 806.05(j)). In the instant case, the intermediate product is deemed to be useful as in the manufacture of molded or extruded articles and films and the inventions are deemed patentably distinct because there is nothing of record to show them to be obvious variants.

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The Group V claims are drawn to a process of producing the laminate of group IV, and not the product of Group I. as such, these inventions are not related by a single concept. Further, the Group VI claims are drawn to a method of using the composite product of Group IV and not the product of Group I. As such, these inventions are related.

Finally, due to the number of inventions presented, the search would be a burden upon the Office.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24-29 recite the limitation "or film" in line 1 of each. There is insufficient antecedent basis for this limitation in these claims since there is no recitation of film in claim 20 from which they all ultimately depend.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnet et al (US 2004/0086721).

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The reference to Bonnet et al teaches the manufacture of a molded article comprising a polymer blend of polyvinylidene fluoride (PVDF), a polymethyl methacrylate (PMMA) matrix having dispersed therein an acrylic elastomer. Note paragraphs [0012]-[0017] for the constituents and their respective compositional limitations. The reference teaches at paragraph [0048] the PMMA to be of the "impact" grade which contains "acrylic impact modifiers, usually of the core-shell type." The references shows such core-shell materials at paragraphs [0032]-[0034], and include those recited herein. The size of the core-shell particle of the reference embraces that recited herein at 50 to 1000 nm. Further, note paragraphs [0049]-[0051] for the employment of the light stabilizer. The reference teaches the production of the article by extrusion. The articles may have a thickness of between 10 and 100 μm . Note copending claim 9.

The reference to Bonnet et al does not teach the elongation at break range as recited in claims 25 and 26, but since the compositions may be identical, the characteristic of this modulus would be expected. The reference is not specific as to the end-use of the extruded product. However, a skilled artisan would be aware of such uses. The coating of a window or other light-transmissive structure with a product having a light stabilizer would surely be obvious to an artisan. The reference does not show the concept of placing such extruded article within a membrane structure. Applicants' own admission at paragraph [0060] as to the use of similar compositions to be well-known. Subsequent use of the material for its known use fails to rise to the level of patentability, absent any showing of unexpected results.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nathan M. Nutter/
Primary Examiner, Art Unit 1796

nmn

30 August 2009